

Claimant alleged an inguinal hernia on or about June 27, 1995, while working for respondent. Claimant had earlier suffered a pulled muscle in the groin area and was examined by Dr. Michael N. Rooney on June 13, 1995. At that time, no hernias were detectable. When examined by Dr. Mohammad Amawi on June 26, 1995, a right inguinal

hernia was found. Claimant testified to a date uncertain where he was lifting a one hundred twenty (120) pound object and felt a sudden onset of pain in his groin area.

While claimant appears to be a rather poor historian, nevertheless, the medical does indicate on June 13, 1995, claimant did not have a hernia while one was found to be present on June 26, 1995, after claimant experienced a sudden onset of pain at work.

For preliminary hearing purposes, the Appeals Board finds claimant has satisfied his burden of proving accidental injury arising out of and in the course of his employment on or about the date alleged.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Special Administrative Law Judge William F. Morrissey dated January 2, 1996 is affirmed, and remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of February 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Arthur L. Johnson, Spearville, Kansas
D. Shane Bangerter, Dodge City, Kansas
William F. Morrissey, Special Administrative Law Judge
Philip S. Harness, Director